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1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MARYLAND
3 (NORTHERN DIVISION)

3 OLE'S ENVELOPE LLC, et al.

4 Plaintiffs

5 vs.

6 GTD COMPANY, INC., et al.

7 Defendants

WMN 02-2017

8 /

9 The deposition of VICTORIA YOUNG was held
10 on Friday, June 13, 2003, commencing at 9:30 A.M., at
11 the Law Offices of Miles & Stockbridge, 10 Light
12 Street, Baltimore, Maryland 21202, before Helen E.
13 Giayvia, Notary Public.

14 APPEARANCES:

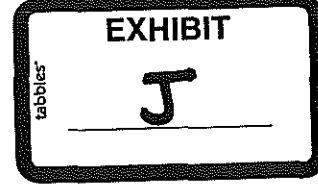
15 JENNIFER RYAN LAZENBY, ESQUIRE
16 On behalf of Plaintiffs

17 JEFFERSON V. WRIGHT, ESQUIRE
18 TESSA LASPIA FREDERICK, ESQUIRE
19 On behalf of Defendants

20 ALSO PRESENT:

21 HAROLD AND CHARLOTTE ROBINSON

21 REPORTED BY: Helen E. Giayvia, CCR



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1 to happen because -- once the purchase happened because
 2 we were a manufacturer and why wouldn't we try to do
 3 our own stuff.

4 Q Was it your understanding that RO was
 5 prohibited from buying under any circumstances stock
 6 from a competitor of Oles?

7 A Can you say that again?

8 Q Was it your understanding that RO was
 9 prohibited from buying stock from a competitor of Oles
 10 under any circumstances?

11 A No.

12 Q How did that work, according to your
 13 understanding, in the time frame when Mr. Robinson was
 14 still president of RO? What was your understanding of
 15 how that was to work from RO's perspective?

16 A Before I went there?

17 Q Yes.

18 A I don't know how that was monitored or
 19 determined.

20 Q Did you have an understanding as to what
 21 your father's expectation was or Oles' expectation was

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1 provided them some opportunities that they didn't have
 2 before they were part of us and they would provide us
 3 some opportunities that we didn't have when we were
 4 without them.

5 Q Under what sorts of circumstances,
 6 according to your understanding, in the same 1999
 7 through first half of 2001 time frame, under what sorts
 8 of circumstances would it be that RO might purchase
 9 stock from another entity other than Oles?

10 A An item that Oles does not make, an item
 11 that is possibly -- I think quantity and size of the
 12 job may warrant, if it's a standard item for a
 13 competitor to have on their shelves, to buy 500
 14 envelopes from them versus 500 or 5,000 from us. It
 15 depended on our machine availability, timing and, I
 16 guess, occasionally price.

17 Q I would like to review those to make sure I
 18 have your full answer because that was a mouthful.

19 One instance would be when Oles doesn't
 20 have a stock that RO needed. That's fairly obvious, I
 21 suppose, right?

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1 in that regard during that same time frame when
 2 Mr. Robinson was president?

3 A I'm sorry. I'm not trying to be difficult.
 4 You lost me down a path here.

5 Q You're not being difficult. Did you have
 6 an understanding in 1999 and 2000 and the first half of
 7 2001 when Mr. Robinson was president as to what your
 8 father's or Oles' understanding was or expectation was
 9 about RO's purchases of stock vis-a-vis either from
 10 Oles or from competitors of Oles?

11 A My understanding would be that RO would
 12 purchase anything that was possible to be purchased
 13 from us, from Oles, so that certainly the business
 14 would stay within our businesses within Oles, within
 15 the companies of Oles.

16 Q You had that understanding from whom?

17 A I guess it was from being in the office,
 18 being part of the management team. I think it was just
 19 kind of understood that, okay. We're purchasing RO, so
 20 this is an opportunity for us to possibly do some of
 21 the work that they were giving away and vice versa. We

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1 A Yes.

2 Q You also mentioned size of job. Does that
 3 mean either the size was too small to worry about or
 4 too large for Oles to supply within the time frame
 5 needed? Is that what you meant by size of job?

6 A Quantity of job as well as size of the
 7 envelope.

8 Q Tell me how the quantity would work. When
 9 would the quantity be an issue so that RO would
 10 purchase somewhere else?

11 A If RO had an order for number 10s either in
 12 a specialty stock or a nonstandard item for Oles to
 13 hold, we have a list of inventory of some standard
 14 items for us, that the majority of our customers use.

15 New York has a different set of standard
 16 items as does each and every competitor as you go down
 17 the line. Some items are the same. Some are
 18 different. It may be an item that is standard to New
 19 York, but it wasn't standard to us. And so, therefore,
 20 New York either had it more readily available or it was
 21 of such a small quantity it didn't make sense for us to

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1 change our machine to that size. And then we could go
 2 to New York or somewhere else to get it.

3 Q Then you said timing and machine which I
 4 think was wrapped into the same points, right?

5 A Correct.

6 Q And then you said sometimes price?

7 A Correct.

8 Q And that would be if for whatever reason
 9 Oles couldn't offer the stock at a price which was as
 10 competitive as being offered by one of your
 11 competitors, right?

12 A Correct.

13 Q And that's on a one of kind of basis, isn't
 14 it? In other words, that's something that's assessed
 15 in connection with a particular order to be placed,
 16 right?

17 A Correct.

18 Q Because the pricing changes virtually
 19 daily, doesn't it?

20 A Yes.

21 Q Now, in the time frame prior to when you

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1 frame?

2 Q Yes. 1999, 2000, first part of 2001,
 3 before you take over.

4 A No. I could have walked through that
 5 office, but I worked in a different building than John.

6 Q But when Mr. Hummel for some reason was not
 7 available, to your knowledge, people at RO would talk
 8 to somebody else in customer service or perhaps your
 9 father?

10 A Correct.

11 Q But not typically you?

12 A No.

13 Q There came a time in the early part of 2001
 14 that Mr. Joe O'Brien resigned from RO. You're aware of
 15 that, of course, correct?

16 A Yes.

17 Q I want you to describe for me what
 18 involvement you had, if any, in Mr. O'Brien's
 19 resignation and the events that flowed from that.

20 A I was not involved in Mr. O'Brien's
 21 resignation. I did not become involved until, I guess

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1 went up to Exton and became general manager on April 1,
 2 2001, were you involved ever in receiving phone calls
 3 from people in the Exton operation about obtaining
 4 quotes for stock?

5 A No.

6 Q Never? To your recollection never?

7 A Not to my recollection.

8 Q Do you know who at Oles was involved in the
 9 discussions with RO about whether Oles would be able to
 10 supply their stock needs?

11 A That would be the customer service, inside
 12 sales department people, and I would assume possibly my
 13 father.

14 Q How about John Hummel?

15 A John Hummel is the customer service
 16 manager.

17 Q Were you ever present when Mr. Hummel
 18 received phone calls or communications from folks up at
 19 RO to have Oles fulfill their stock needs or material
 20 needs?

21 MS. LAZENBY: Are we in the same time

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1 Mark was informed. My understanding is that Mark was
 2 informed by Robby that Joe had resigned.

3 Q Mark Moderacki?

4 A Correct.

5 Q Do you know when that occurred?

6 A I know that Joe's resignation supposedly
 7 happened on a Monday which was January 22. It was when
 8 he didn't show up for work, 2001.

9 Q Do you know when Mr. Robinson informed
 10 Mr. Moderacki?

11 A My understanding is it was either later
 12 that week or the beginning of the next week before we
 13 knew that.

14 Q What is that understanding based on?

15 A Conversations with Mr. Moderacki as well as
 16 information here, from being here at depositions.

17 Q Back in that time frame of the days shortly
 18 following January 22, do you recall having any
 19 discussion with Mr. Moderacki right after or shortly
 20 after he was informed by Mr. Robinson?

21 A Yes. Mark, I believe, came to myself and

22 (Pages 82 to 85)

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1 entered into AS400.

2 Q When I used the term reconciliation
 3 previously, I was referring to the reconciliation of
 4 checks that had been issued out of Baltimore against
 5 receivables, that reconciliation process, matching
 6 payments, in other words, against receivables that had
 7 been invoiced.

8 The question is, did Mr. Oechsle come back
 9 in to assist people in learning how to use the computer
 10 system to perform that reconciliation process?

11 A Of matching -- I'm sorry.

12 Q Matching checks with --

13 A What checks?

14 Q Checks from customers.

15 A Checks that they are paying their bills
 16 with?

17 Q Yes.

18 A Okay. And reconciling that against --

19 Q Against the AR information.

20 A Yes, he did.

21 Q He came back in to assist with that?

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1 Q You never heard in internal discussions
 2 anything along the lines that we expect that RO is
 3 going to buy X percentage, whether 40 or 50 or
 4 90 percent, whatever the number might be, but RO should
 5 buy X percentage or at least X percentage of its
 6 requirements from Oles?

7 A No.

8 Q So the allegation that's been made in this
 9 case that 65 percent of RO's stock requirements should
 10 be purchased from Oles, that's not something that you
 11 have any personal information about?

12 A Correct.

13 Q Mr. Oechsle in terms of how he fit into the
 14 operation at RO, RO's business in the time frame of
 15 when he resigned, he offered his resignation in
 16 response to the request, did you think that he was
 17 critical to the operation?

18 A I guess my assumption was that he was the
 19 vice president there, that he was there because he was
 20 needed.

21 Q I'm not asking for your assumption. Do you

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1 A I had to have learned it from him because
 2 he was the only one that knew how to do it, so, yeah.
 3 So, right.

4 Q At some point, he came back in to teach you
 5 that?

6 A Yeah. To my knowledge, he only came back
 7 in once. So that must have all happened at the same
 8 time.

9 Q You don't remember that he came in as many
 10 as six or even ten times after his resignation to
 11 assist on these subjects?

12 A No, not to my recollection.

13 Q Your recollection is that he came in only
 14 on one occasion?

15 A Yes.

16 Q Let me ask you just one question about the
 17 last look protocol or policy that we talked about a
 18 couple hours ago. Were you aware of any specific
 19 percentage which Oles either required or expected RO to
 20 buy from it?

21 A No.

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1 have an opinion as to whether he was critical or
 2 important to the operation or not based on your
 3 observation?

4 A In what sense?

5 Q I'm not sure how I can clarify that
 6 question. Did you think Mr. Oechsle or his presence in
 7 the organization was critical or important to its
 8 operation or to its success?

9 A I would imagine.

10 Q With regard to Mercantile and the new
 11 credit facility that you have -- that Oles has with
 12 Mercantile, is it true that Mercantile required
 13 personal guarantees to be provided in connection with
 14 that new facility by the officers of the company?

15 A Yes.

16 Q Or the shareholders of the company?

17 A Yes.

18 Q And you were one of them?

19 A Yes.

20 Q Have you personally guaranteed that line of
 21 credit up to a certain level, I think \$600,000? Is

39 (Pages 150 to 153)

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1 A Yes, who is now CC3.
 2 Q Did you see them face to face?
 3 A Yes.
 4 Q Fern Hill?
 5 A I met them a couple times, but I don't know
 6 that any of those were before Wendy. I'm trying to
 7 clarify in my mind before and after that date.
 8 Q So that might have been after Wendy
 9 started?
 10 A I can't recollect because there was people
 11 that came in for -- I'm just drawing a -- between the
 12 two time frames.
 13 Q Now, you agree that at least from the time
 14 that you took over the sales operation from Mick in
 15 roughly, I think you said, about June of 2001, you were
 16 responsible for -- or one of your responsibilities was
 17 to try to increase sales?
 18 A Correct.
 19 Q Did you do that?
 20 A I don't know what the numbers say exactly,
 21 but I don't think so.

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1 Q How about Al Applebaum? Was his
 2 productivity down?
 3 A Yes.
 4 Q He had medical issues in the fall of 2001;
 5 did he not?
 6 A Correct.
 7 Q Which affected his productivity?
 8 A Yes.
 9 Q To a point where ultimately he was let go
 10 in about February of 2002, right?
 11 MS. LAZENBY: Objection.
 12 Q He was let go in 2002, right?
 13 A Yes.
 14 Q Wasn't he let go because of productivity
 15 issues?
 16 A Yes.
 17 Q What other salespeople were there from
 18 April 1, 2001 through the end of the year?
 19 A Through the end of 2002?
 20 Q 2001.
 21 A Can you give me the dates again?

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1 Q Do you think the numbers went down? Don't
 2 you know that the numbers went down a lot?
 3 A I don't know. I think they decreased. But
 4 what the definition of a lot is, I don't know.
 5 Q Why did the numbers decrease?
 6 A I would say that sales decreased somewhat
 7 because of a lack of transition of the house accounts.
 8 I would say that the economy had some play in it at
 9 that point. Certainly 9-11 didn't help and anthrax
 10 didn't do us any favors. I would say those would be
 11 the factors.
 12 Q How about Kim Robinson leaving? She left
 13 in September 2001.
 14 A Yes, definitely Kim's departure --
 15 Q She took a lot of business with her, right?
 16 A Yes, she did.
 17 Q She was the number one salesperson; was she
 18 not?
 19 A Was she the number one salesperson? I
 20 don't know where she was, if she was one, two or three
 21 against the house. I don't know.

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1 Q From the time you arrived -- let's just
 2 make it easy. Before Wendy came and after April 1 2001
 3 when you took over, that interim period.
 4 A Before Wendy? I'm sorry.
 5 Q Well, that's December.
 6 A I'm getting confused. I think I'm like
 7 having a momentary problem with dates.
 8 Q April 1, 2001 was the date that you took
 9 over as vice president and general manager. So for the
 10 roughly eight or nine months until Wendy started
 11 sometime in December of that same year, December 2001,
 12 the salespeople were Al Applebaum, Kim Robinson, right?
 13 A Correct.
 14 Q And who else?
 15 A I'm not sure if John Weghorst came before
 16 or after Wendy started.
 17 Q Anybody else?
 18 A We had a guy that came and went in about a
 19 week's time, Craig somebody.
 20 Q Forshey?
 21 A Yes.

48 (Pages 186 to 189)

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1 customer, just cold prospecting was not my favorite
 2 thing, but I wouldn't say that I was uncomfortable or
 3 wouldn't do it any more than she was uncomfortable
 4 or -- and would do it, you know.

5 Q There was a change in the sales commission
 6 structure in Exton at some point, I think, in 2001. We
 7 touched on this before. My sense is that you really
 8 don't have much knowledge about that and can't expand
 9 upon it; is that correct?

10 A Correct.

11 Q It wasn't your decision how to change the
 12 commission structure?

13 A No.

14 Q Was it a more lucrative structure from a
 15 salesperson's standpoint or was it less lucrative?

16 A I don't know how to answer that. It would
 17 be based on what your sales volume was.

18 Q For an average salesperson like Al
 19 Applebaum or Kim Robinson, did the pay go up or did it
 20 go down?

21 A It was a completely different plan.

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1 Q We have Kim and Al there from April 2001
 2 through the time Kim leaves on September 10, 2001,
 3 right?

4 A Uh-huh.

5 Q Then we have only Al there from September
 6 into October, right, as a salesperson assigned in
 7 Exton?

8 A Correct.

9 Q I know you testified there was some help
 10 from Baltimore and you were splitting up Kim's accounts
 11 trying to save them and that sort of thing. Craig
 12 Forshey is hired then in October, October 22, '01 as
 13 the second salesmen in addition to Al, right?

14 A Correct.

15 Q And he's fired less than two weeks later.
 16 The Answers to Interrogatories indicate, I think, on
 17 November 3, 2001. So at that point after he's gone,
 18 you're back down to one salesperson, right?

19 A Correct.

20 Q And you continued to have one salesperson
 21 for a short period of time until John Weghorst was

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1 Q Did their pay go up or did it go down?

2 A I don't know what their pays did.

3 Q Can you describe your relationship with the
 4 salespeople in the Exton operation?

5 A In regards to what?

6 Q Did you have a good relationship with them,
 7 a strained relationship, hostile relationship, whatever
 8 words are accurate to describe your relationship with
 9 them?

10 A We had a fine relationship with them.

11 Q Can you describe your relationship with the
 12 production floor people, the people that actually
 13 worked in the production areas? Did you have a fine
 14 relationship with them too?

15 A I think so.

16 Q Why was it that Craig Forshey was hired on
 17 October 21, 2001 and resigned less than two weeks
 18 later?

19 A I hired him. I let him go two weeks later
 20 and I honestly do not recollect the reasons for his
 21 termination.

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1 hired; is that right?

2 A Yes.

3 Q He was hired mid November 2001; is that
 4 right?

5 A Approximately.

6 Q He stayed on until the bitter end, that
 7 being September 22, 2002 when the operation was shut
 8 down?

9 A To my recollection, yes, he was there to
 10 the end, until they closed.

11 MS. LAZENBY: Actually, that's a
 12 mischaracterization. I think the operation shut down
 13 July and all the employees left, but weren't they -- I
 14 just think September is the wrong date.

15 Q If I said September, I apologize. July 22
 16 is the date I meant to say. 2002 is when the operation
 17 shut down. The operation shut down on July 22?

18 A Right.

19 Q And I understand your responsibilities
 20 winding up continued for several weeks or even months,
 21 right?

59 (Pages 230 to 233)

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1 sales volume over the 90 days following this
 2 memorandum?
 3 A Not to my recollection.
 4 Q Do you know why she was not able to
 5 accomplish all the goals that you set for her over the
 6 time period that you identified?
 7 A No.
 8 Q You don't know why?
 9 A No.
 10 Q Now, was Wendy Jones consulted at all on
 11 the closing of the operation?
 12 A In what regard?
 13 Q Did you solicit her input or did she have
 14 any involvement in the decision to close the operation?
 15 A She knew that that could happen but she
 16 didn't know the specific date in time that it was going
 17 to happen.
 18 Q Did she know in early July when the
 19 decision was made that the decision had been made?
 20 A No.
 21 Q Was the first time that she learned of the

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1 the reason was?
 2 A Correct.
 3 Q But did you sign off on that along with
 4 your father?
 5 MR. COE: Objection to form.
 6 Q Did you agree with that decision?
 7 A I didn't have to agree. I just had to do
 8 what he asked me to do.
 9 Q So it was really his decision?
 10 A Correct.
 11 Q Last sentence of this evaluation reads: "We
 12 have an exciting future and I look forward to working
 13 with you to build this organization into a top notch
 14 jet shop that provides outstanding service, qualify and
 15 value while making a substantial profit that can be
 16 shared with our team". You wrote that; did you not?
 17 A Yes.
 18 Q At the time that you wrote this in April
 19 10, 2002 did you believe that?
 20 A Yes. I believed we still had a shot at it,
 21 yes.

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1 decision to close the operation on July 22 when the
 2 operation was in fact shut down?
 3 A Yes.
 4 Q Why wasn't she given, as general manager of
 5 RO, any advance notice of the shutdown of the operation
 6 prior to the day of the shutdown itself?
 7 A That was a decision that my dad made.
 8 Q Did you participate in that decision also?
 9 A I don't remember specifically talking about
 10 why we -- the reasons to why we decided to stay with us
 11 until we were ready to make the move.
 12 Q You recall talking about it. You don't
 13 recall what the substance of the discussion was or
 14 you're not sure whether you talked about it?
 15 A I don't remember the substance. I know we
 16 made the decision at that point we weren't ready -- we
 17 didn't want to disclose it at that moment.
 18 Q Even to the general manager of the
 19 operation.
 20 A Correct.
 21 Q You just don't remember what the basis for

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1 Q You believed that you had an exciting
 2 future, that is that RO had an exciting future?
 3 A Yes.
 4 Q And you believed that RO could have been
 5 built into a top notch jet shop?
 6 A At that time, yes.
 7 Q That provided outstanding service?
 8 A Yes.
 9 Q And quality and value?
 10 A Yes.
 11 Q While making a substantial profit?
 12 A Yes.
 13 Q So as of April 10, 2002 you believed every
 14 aspect of the last sentence of Exhibit 9, correct?
 15 A Correct.
 16 Q Why didn't it come to pass?
 17 A Because the sales volume didn't come up.
 18 Q Why didn't the sales volume come up?
 19 A It didn't come up because we had lost a
 20 certain portion of our accounts that we didn't bring
 21 the business back.

17 (Pages 320 to 323)

<p style="text-align: right;">Page 328</p> <p>1 in the office and he saw Al working at Robby's old desk 2 and that he didn't think that was appropriate for one 3 reason or another?</p> <p>4 A I don't recall it.</p> <p>5 Q There has been some testimony in this case 6 by prior witnesses that you deleted invoices on the 7 computer system at RO. Can you confirm or deny that?</p> <p>8 A I did once by accident.</p> <p>9 Q When you said you did once, you did on one 10 occasion?</p> <p>11 A Correct.</p> <p>12 Q Was that one invoice on that one occasion 13 or was it a batch or multiple invoices?</p> <p>14 A It was one invoice on one occasion.</p> <p>15 Q Tell me how that happened.</p> <p>16 A I was talking on the phone with Mr. 17 Moderachi. We were having -- we were trying to resolve 18 something about an invoice and I inadvertently hit a 19 key and it went -- and to this day I don't know exactly 20 what I did that made that occur but it did happen.</p> <p>21 Q Do you know what key you hit?</p>	<p style="text-align: right;">Page 330</p> <p>1 anybody else or ask anybody else to delete invoices?</p> <p>2 A No.</p> <p>3 Q Were you ever present in the office when 4 invoices were deleted by anybody other than the one 5 time that you just referred to when Mr. Moderacki was 6 on the phone with you?</p> <p>7 A No.</p> <p>8 Q You have any knowledge of anybody at any 9 time deleting invoices, personal knowledge?</p> <p>10 A No.</p> <p>11 Q So you're not able to support with any 12 personal knowledge the allegation that was made in this 13 case that Mr. Robinson or Mr. Oechsle or somebody 14 connected with them deleted invoices; is that correct?</p> <p>15 A Sorry?</p> <p>16 Q You are not able to support the allegation 17 that has been made in this case, based on your own 18 personal knowledge, that Mr. Robinson or Mr. Oechsle or 19 somebody at their direction deleted invoices; is that 20 correct?</p> <p>21 A Yes.</p>
<p style="text-align: right;">Page 329</p> <p>1 A No, I do not.</p> <p>2 Q Was it the delete key?</p> <p>3 A I don't know what happened to it.</p> <p>4 Q Did you ever see Mr. Moderachi -- let me 5 back up. Were you and Mr. Moderacki trying to delete 6 an invoice?</p> <p>7 A No.</p> <p>8 Q What were you trying to do?</p> <p>9 A I had a question about it and I don't 10 remember what I was trying to do.</p> <p>11 Q So you hit some key, we don't know which 12 key, and the thing disappeared from the screen?</p> <p>13 A Correct.</p> <p>14 Q And then you checked the system and 15 determined that it had actually disappeared from the 16 system?</p> <p>17 A Correct.</p> <p>18 Q Did you ever see Mr. Moderachi or hear of 19 Mr. Moderachi deleting invoices?</p> <p>20 A No.</p> <p>21 Q Did you ever hear Mr. Moderacki direct</p>	<p style="text-align: right;">Page 331</p> <p>1 Q Yes, it's correct that you don't have any 2 such personal knowledge?</p> <p>3 A Yes.</p> <p>4 Q Mr. Applebaum was terminated in early 2002. 5 I believe in February 2002; is that right?</p> <p>6 A Yes.</p> <p>7 Q Was the reason for his termination 8 performance related?</p> <p>9 A Correct.</p> <p>10 Q That is his productivity?</p> <p>11 A (No response.)</p> <p>12 Q Are you having trouble with that question?</p> <p>13 A I'm having trouble remembering reasons for 14 what -- I know it was a performance issue but I don't 15 remember the specific reasons for that.</p> <p>16 Q Were you happy with his productivity in the 17 sense of he's a salesman, so productivity would be 18 measured by sales that he generated. Were you happy or 19 unhappy with his productivity?</p> <p>20 A I was unhappy.</p> <p>21 Q And he had had some medical problems in the</p>

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1 months leading up to his termination in February of
 2 2002; is that right?

3 A Not at that time. I don't remember him
 4 having medical problems at that time.

5 Q So your lack of satisfaction was purely on
 6 a production basis to the best of your recollection,
 7 that is he was not productive enough, was not
 8 generating enough sales; is that right?

9 A Correct.

10 Q Is that one of the reasons why RO was not
 11 generating as many sales as it needed to in order to be
 12 more profitable?

13 A Yes.

14 Q Did you think about terminating
 15 Mr. Applebaum at an earlier time than February 2002
 16 because of his lack of productivity?

17 A I don't recall.

18 Q How long was it that he had been
 19 unproductive or not satisfactorily productive in your
 20 view?

21 A For months. Going all the way back to the

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1 Q And yet you kept him on as a salesman for
 2 what must have been six to eight months; is that right?

3 A Correct.

4 Q Can you explain why it is that you didn't
 5 terminate him and replace him with someone who was more
 6 productive earlier than February 2002?

7 MR. COE: Objection to form.

8 A None other than the reasons I have given
 9 you which was we were trying to give him an opportunity
 10 to get regrouped and we tried to work with him and then
 11 decided it wasn't working and we let him go.

12 Q After Kim Robinson left was there a second
 13 salesperson who worked at RO other than Mr. Applebaum?

14 A Mr. Weghorst came to RO.

15 Q That was in the fall, October if I remember
 16 correctly, maybe November 2001. Is that about right?

17 A Somewhere in that range.

18 Q Were you happy with Mr. Weghorst's
 19 performance?

20 A He was growing. He was picking up. He was
 21 working on it.

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1 fall of 2001.

2 Q Were you ever, from the time you started
 3 with your responsibilities in April 1, 2001, were you
 4 ever satisfied with the level of Mr. Applebaum's
 5 production?

6 A No. Not completely, no.

7 Q Did your level of dissatisfaction increase
 8 as time went on?

9 A Yes.

10 Q Why didn't you fire him at an earlier time?

11 A Because he did have a medical problem and
 12 we were trying to give him the benefit of the doubt to
 13 come through that so that you weren't doing something
 14 unfairly.

15 Q When is it that he had a medical problem to
 16 your recollection?

17 A I believe it was in early to mid 2001.

18 Q Then he got over that, I take it, and from
 19 that point on you were not satisfied with his
 20 production?

21 A Correct.

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1 Q He was moving in the right direction?

2 A I believe so.

3 Q Did he start off with any sales?

4 A You mean did he bring any sales with him?

5 Q Yes.

6 A No.

7 Q So he was slowly building his book of
 8 business?

9 A Correct.

10 Q Were you pleased with the rate of his
 11 progress or did you want to see him more productive
 12 sooner?

13 A I would have liked to have seen him more
 14 productive sooner.

15 Q So you weren't entirely happy with his
 16 performance?

17 A Correct.

18 Q Did you ever get to a time that you were
 19 entirely happy with his performance?

20 A Entirely happy, no.

21 Q You ultimately hired Tom McLean in the

20 (Pages 332 to 335)